

## **REMARKS**

### **1) Objection to the Specification**

The disclosure is objected to because of the following formality. The Examiner stated the following: In page 1, the paragraph related to cross references is missing the serial numbers.

Applicants have amended the specification by adding serial numbers to address the Examiner's concerns.

### **2) Rejection under 35 U.S.C. § 112**

Claims 287-321 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated the following:

Claim 287, for example, is vague and indefinite because of the recitation of the "capable of". It is unclear whether the claimed reactive group R actually does provide a conjugated system or an electron delocalized system, because having the capability is not the same as actually performing the function.

Claim 303, for example, is vague and indefinite because of the recitation of the "capable of forming a carbon-carbon linkage". It is unclear whether the claimed reactive group actually does form the carbon-carbon linkage with the target, because having the capability is not the same thing as actually performing the function.

Applicants have amended the claims which the Examiner states are vague and indefinite to claims that are now clear and definite.

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Serial No.: 10/764,417

Filed: January 23, 2004

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### **3) Rejection under 35 U.S.C. § 102**

Claims 287-291, 294-311, 314-321 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ju et al. (US 6,664,079). The Examiner stated the following:

Ju et al. discloses a dye composition comprising a fluorescent dye linked to a moiety comprising an aromatic group which comprises a nitro substituent and an unsaturated group. Said composition is covalently attached to a target via carbon-carbon linkage. Said target can be a nucleotide analog. The unsaturated group can be an alkyne group. The dye can comprise a charges or polar group, which inherently increases solubility. (See Figure 7).

Applicants have amended the claims and now believe that these new claims are not anticipated by the Ju et al. reference.

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### **SUMMARY**

In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of record of claims 287-321. Early and favorable action is respectfully requested.

No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due, however, the United States Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that she be contacted at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Natalie Bogdanos', is written over the printed name.

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